

NOTE: THIS IS A COURTESY COPY OF THE PLAN AMENDMENT ADOPTION NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NOVEMBER 4, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

### **DIVISION OF WATER MONITORING AND STANDARDS**

### **Adopted Amendment to the Ocean County Water Quality Management Plan**

#### **Public Notice**

**Take notice** that on October 1, 2019, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435448, Activity No. AMD190003) to the Ocean County Water Quality Management Plan. The amendment expands the sewer service area of the Ocean County Utilities Authority (OCUA) Northern Water Pollution Control Facility by 5.9 acres to serve a proposed residential development on a portion of Block 13301, Lots 7-9, 21 and 23; Jackson Township, Ocean County. The proposed project, identified as **“Clearstream Subdivision”**, consists of a proposed residential subdivision of five 5-bedroom, single-family homes that would generate a projected wastewater flow of 1,500 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the OCUA Northern Water Pollution Control Facility (NJPDES Permit #NJ0028142). Preliminary notice was published in the New Jersey Register on July 1, 2019 at 51 N.J.R. 1136(b). No comments were received during the comment period.

This amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department’s determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of the eligible sewer service area needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2 requires that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or

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more of wastewater flow must update the wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity. The proposed project involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment plant capacity analysis is not required.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from OCUA, Jackson Township, and the Ocean County Board of Chosen Freeholders. The OCUA stated in a letter dated June 27, 2019 that it would not take a formal position on the proposed amendment. Jackson Township stated in an email dated August 7, 2019 that it would not take a formal position on the proposed amendment. The Ocean County Department of Planning stated in an email dated August 15, 2019 that the County would not take a formal position on the proposed amendment.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the project site using a GIS shapefile provided by the applicant compared to the Department's GIS data layers available at <http://www.nj.gov/dep/gis/listall.html> and/or other information as noted below, to determine the presence of any such areas in accordance with N.J.A.C. 7:15-4.4(e) through (g) and made the following findings:

- The Department determined that the expanded sewer service area does not contain any areas mapped as endangered and threatened wildlife species habitat Rank 3, 4 or 5 on the Department's

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Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the “Landscape Project Data” Version 3.3 GIS data layers in accordance with N.J.A.C. 7:15-4.4(e)1.

- The Department determined that the expanded sewer service area does not contain any areas mapped as Natural Heritage Priority Sites based on the “Natural Heritage Priority Sites” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)2.
- The Department determined that the expanded sewer service area does not contain any Category One (C1) waters or 300-foot riparian zones along any C1 waters or upstream tributaries within the same HUC-14 watershed of any C1 waters based on the “Surface Water Quality Standards” GIS data layer in accordance with and N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the expanded sewer service area does not contain any wetlands based on the “Wetlands 2012” GIS data layer and confirmed by Freshwater Wetlands Letter of Interpretation (LOI): Line Verification File #1511-17-0014.1 FWW170001.
- The Department determined that the expanded sewer service area does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site based on the USEPA list of New Jersey Counties with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2> in accordance with N.J.A.C. 7:15-4.4(g).

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. The Jackson Township Planning Board issued Resolution 2018-15 on May 7, 2018 granting Preliminary and Final Major

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Subdivision Approval for this project. The Ocean County Planning Board voted for Preliminary and Final Major Subdivision Approval for this project at their November 20, 2018 planning board meeting.

Sewer service is not guaranteed by adoption of this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area resulting in adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

10/1/19

SIGNED

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Date

Bruce S. Friedman, Director

Division of Water Monitoring and Standards